

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARTIN LEWIS,

Petitioner,

v.

Case Number 2:14-cv-11478  
Honorable George Caram Steeh

JOE BARRETT,

Respondent.

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**OPINION AND ORDER DISMISSING THE PETITION FOR A WRIT OF  
HABEAS CORPUS AND DENYING A CERTIFICATE OF APPEALABILITY**

The Court has before it Martin Lewis's pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner is a prisoner currently confined at the Cooper Street Correctional Facility where he is serving a controlling sentence of eighteen months-to-seven years s for his convictions of false statement to procure a financial transaction device, use of a computer to commit a crime, and identity theft. Petitioner did not pay the required filing fee when he filed his petition, nor did he submit an application to proceed in forma pauperis. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing § 2254 Cases. The Court, therefore, issued an Order to Correct Deficiency on April 17, 2014, requiring Petitioner to either pay the filing fee or submit a properly completed in forma pauperis application. The order provided that if Petitioner did not submit the fee or requested information by May 8, 2014, his case would be dismissed.

The time for submitting the filing fee or required information has elapsed and Petitioner has failed to correct the deficiency. Accordingly, the Court **DISMISSES**

**WITHOUT PREJUDICE** the petition for a writ of habeas corpus. Petitioner may submit a new habeas petition with payment of the filing fee or an in forma pauperis application. The Court makes no determination as to the merits of Petitioner's claims.

Before Petitioner may appeal this decision, a certificate of appealability must issue. See 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a federal court denies a habeas claim on procedural grounds without addressing the merits, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Reasonable jurists could not debate the correctness of the Court's procedural ruling. Accordingly, the Court **DENIES** a certificate of appealability.

**IT IS SO ORDERED.**

Dated: May 20, 2014

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 20, 2014, by electronic and/or ordinary mail and also on Martin Lewis #232568, Cooper Street Correctional Facility, 3100 Cooper Street, Jackson, MI 49201.

s/Barbara Radke  
Deputy Clerk